

01-14-02

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Docket # PF-0401-2 DIV

"Express Mail" mailing label number EL 856 156 601 US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on January 10, 2002.

By: Nancy Ramos

Printed: Nancy Ramos

JC879 U.S. PTO
10/044477
01/10/02

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)**

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior application of USSN 09/365,705 filed on August 2, 1999, which is a divisional application of USSN 08/950,168, filed on October 14, 1997, issued on October 19, 1999 as U.S. Patent Number 5,968,744 entitled HUMAN CORNICHON MOLECULE, the contents all of which applications are hereby incorporated herein by reference.

1. X Enclosed is a specification corresponding to the prior application, U. S. Application Serial No. 09/365,705 filed August 2, 1999, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
2. X With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant divisional application is identical with the computer readable form filed with Serial No. 09/365,705, filed August 2, 1999, to which priority is claimed. In accordance with 37 C.F.R. § 1.821(e), please use the computer readable form filed with U.S. Application Serial No. 09/365,705 as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant divisional application.
3. X Cancel in this application original claims 3-10, 12-19, 22, 25-30, and 46-56 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to

reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.

4. X The inventor(s) of the invention being claimed in this application is (are): Jennifer L. Hillman, Neil C. Corley, and Purvi Shah.
5. X In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing applicant's/applicants' signature(s) as filed on February 24, 1998 is enclosed.
6. Amend the specification by inserting after the title: "This application is a divisional application of U.S. application serial number 09/365,705, filed August 2, 1999, all of which applications and patents are hereby incorporated herein by reference."
7. X The filing fee is calculated below:

| Claims | Number Filed | Minus | Number Extra | Other Than Small Entity | | Basic Fee |
|-------------------------------------------------|--------------|-------|--------------|-------------------------|-----|-----------|
| | | | | Rate | Fee | \$740.00 |
| Total Claims | 22 | -20 | 2 | x \$18 | | \$ 36.00 |
| Indep. Claims | 1 | -3 | 0 | x \$84 | | \$ |
| <u> </u> Multiple Dependent Claim(s), if any | | | | + \$280 | | \$ |

TOTAL FILING FEE \$ 776.00

8. An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.
9. X Please charge Deposit Account No. 09-0108 in the amount of \$ 776.00 .

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 09-0108.

A **duplicate** copy of this Request is enclosed.

10. X New formal drawings are enclosed.
11. X The prior application is assigned of record to Incyte Pharmaceuticals, Inc., recorded on February 27, 1998, at reel 9096/frame 0498.
12. A preliminary amendment is enclosed.

13. X Also enclosed are: Information Disclosure Statement and Form PTO-1449 (1 page);
Submission of Formal Drawings (1 pg.).

14. X The power of attorney of the prior application is to:

| | |
|------------------------|-----------------|
| Narinder S. Banait | Reg. No. 43,482 |
| Lucy J. Billings | Reg. No. 36,749 |
| Michael C. Cerrone | Reg. No. 39,132 |
| Diana Hamlet-Cox | Reg. No. 33,302 |
| Colette C. Muenzen | Reg. No. 39,784 |
| Lynn E. Murry | Reg. No. 42,918 |
| Danielle M. Pasqualone | Reg. No. 43,847 |
| Susan K. Sather | Reg. No. 44,316 |
| David G. Streeter | Reg. No. 43,168 |

X The associate power of attorney in the prior application is to:

| | |
|-------------------|-----------------|
| Lynn E. Murry | Reg. No. 42,918 |
| Leanne C. Price | Reg. No. 42,090 |
| David G. Streeter | Reg. No. 43,168 |

- a. X A Certificate Under 37 C.F.R. §3.73(b), Revocation of Power of Attorney and Appointment of New Attorneys is attached.
- b. Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. X Address all future correspondence to:

INCYTE GENOMICS, INC.
PATENT DEPARTMENT
3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555, Fax: (650) 845-4166

Date: January 10, 2002

By:

David G. Streeter
David G. Streeter, Ph.D.
Reg. No. 43,168
Direct Dial Telephone: (650) 845-5741

 Inventor(s)

 Assignee of complete interest

X Attorney or agent of record

 Filed under 37 CFR 1.34(a)

Registration number if acting under 37 CFR 1.34(a) .

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By: Nancy Ramos Printed: Nancy Ramos

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hillman, et al.

Title: HUMAN CORNICHON MOLECULE

Serial No.: To Be Assigned Filing Date: Herewith

Examiner: To Be Assigned Group Art Unit: To Be Assigned

Official Draftsman

Commissioner for Patents
Washington, D.C. 20231

SUBMISSION OF FORMAL DRAWINGS

Sir:

Transmitted herewith are Figure(s) 1A, 1B, 1C, 1D, 2, 3A, and 3B, as seven (7) sheets of formal drawings for this application. Each sheet of drawing indicates the identifying indicia suggested in 37 CFR Section 1.84(c) on the reverse side of the drawings.

Applicants believe that no fee is due with this paper. However, if the Commissioner determines that a fee is necessary, the Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. **09-0108**. **A duplicate copy of this communication is enclosed.**

If there are any questions regarding the above, the Examiner is invited to call the undersigned at 650-855-0555.

Respectfully submitted,

INCYTE GENOMICS, INC.

Date: January 10, 2002

David G. Streeter

David G. Streeter, Ph.D.

Reg. No. 43,168

Direct Dial Telephone: (650) 845-5741

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Palo Alto, California 94304
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